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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,533	04/20/2006	Muneki Nakao	03500.102835.	3836
5514 7590 06/16/2010 FITZPATRICK CELLA HARPER & SCINTO 1290 Avenue of the Americas NEW YORK, NY 10104-3800				
EXAMINER				
SANTIAGO, LUIS F				
ART UNIT		PAPER NUMBER		
3624				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/576,533

Applicant(s)

NAKAO ET AL.

Examiner

LUIS SANTIAGO

Art Unit

3624

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2, 4, 6, 8 and 10-13 is/are pending in the application.
- 4a) Of the above claim(s) None is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2, 4, 6, 8, 10-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ ~~Notice of Informal Patent Application~~
- 6) ☐ Other: _____

DETAILED ACTION

1. This is the **final** office action in response to applicant amendment filed on March 2, 2010. Claims 2, 4, 6, 8, 10 and 12 have been amended. Currently claims 2, 4, 6, 8, 10-13 are pending.

Response to Amendment

2. The 35 U.S.C 101 rejections of claims 4, 10 and 11 in the previous office action are withdrawn in light of the applicant's amendment.

Response to Arguments

3. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection which have necessitated by applicant amendments to the claims. The previous office action the claim 4 recites "providing a notification of" schedule as to which no reminder has yet been given, and as to which "an indicated notice time "is not more than" a predetermined time before the notice scheduled date; With the amendment the claim 4, page 3 recites "as to which an indicated notice time is not more than a predetermined time before the notice scheduled date,... and then the power supply is powered ON, then in said notification step no notification is provided of any "schedule" whose indicated notice time is more than the predetermined time before the notice "scheduled" date".

4. The applicant argues the independent Claim 2 is "directed to an information apparatus comprising a control unit". Indicated "notice time is not more than a predetermined time in the past before the current date". (Page 7, paragraph 3).

a. In response to argument, Moseley teach in page 788, the customer or user can create a recurring appointment in the calendar folder, enter Start time and then specify either a duration or end time and specify how often the appointment or meeting will

occur; example daily, weekly, etc. Moseley teaches in page 787, paragraph 4, the customer can specify or remind how far in advance you want to be reminder. , it would have been obvious to one of ordinary skill in the art, the system continue showing any activity or appointment we should be notified until we select not continue to be reported.

5. The applicant argues the independent Claim 8 is “directed, the number of schedules for which notification is to be provided” (Page 8, paragraph 3).

b. In response to argument, Moseley teaches in Pages 755- 759 “the mail folder the user can get to the user Inbox, Sent Items, outbox, etc”; “the user can select or unselect the checkbox of reminder”. (See Moseley, Fig. 35.5, page 787).

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraph of 35 U.S.C.102 that form the basis for the rejections under this section made in this office action.

A person shall be entitled to a patent unless –

(e) the invention was described in:

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 2, 6, 8, and 10-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Mastering Microsoft Office 97 (Hereinafter referred to as Moseley).

With respect to **claim 2**:

Moseley teaches an information apparatus comprising a control unit which, when a notice "scheduled" date comes "while said information apparatus" in a power-OFF status and then the apparatus is powered ON, "provides a notification" of "schedule" "as to which a reminder has not yet been given and for" which "an indicated notice time" is not "more than" a predetermined time in the past before a current date, as a reminder, and does not notify "provide any reminder as to a" "schedule" as to which "an indicated notice time is more than" the predetermined time in the past before the current date. The user or customer can create appointments or meeting and specify the start and end time, the date and time and can indicate in advance you want to be reminded. (See Moseley, Page 787); (See Figs 35.3 and 35.4 show the schedule or task time in a different perspective and list to track our task").

With respect to **claim 6**:

Moseley teaches a "computer-readable tangible storage medium storing" program which causes a computer to execute: a notification procedure of, when a notice "scheduled" date comes in a power-OFF status and then the power supply is powered ON, "providing a notification of" "schedule" "as to which no reminder has been provided, and as to" which "an indicated notice time is" not "more than" a predetermined time in the past, as a reminder, The user or customer can create appointments or meeting and specify the start and end time, the date and time and can indicate in advance you want to be reminded. (See Moseley, Page 787); and

an un notification procedure of, when the notice "scheduled" date while the computer comes in the power-OFF status and then the power supply is powered ON, not "providing a notification of the" "schedule" as to which "the indicated notice time is more than" the predetermined time in the past. The start date is usually the day that are creating the

appointment, but the user can change the date and duration if necessary. (See Moseley, Page 789).

Note that Outlook is a computer program, and therefore must operate on some medium such as a hard drive, mobile device, and have logic in the form of software code.

With respect to **claim 8**:

Moseley teaches an information apparatus “comprising at least a processor and memory which “operate to provide” a notification of an un notified schedule whose notice scheduled date registered in the apparatus comes “while the apparatus” is in a power-OFF status, wherein an un notified schedule which is included in a set of a predetermined number of schedules “that are most recent” before a current date set in the information apparatus is “communicated” as a reminders when the apparatus is powered ON, Outlook is powerful information manager, have the capabilities as a mail manager, time scheduler, etc. In the mail folder the user can get to the user Inbox, Sent Items, outbox, etc. (See Moseley, Pages 755- 759); and

an un notified schedule which is not included in that set, is not communicated as a reminder. The user can select or unselect the checkbox of reminder. (See Moseley, Fig. 35.5, page 787).

With respect to **claims 10 and 12**:

Moseley teaches a method “implemented by a computer” of “providing notification” a schedule as to which “no reminder has been given” due to stop of a communication function even when a notice “scheduled” date “has arrived” in the function of notifying “user of” a schedule booked in an information apparatus, The user can create the event or new appointment specify start and times also choose start and end dates. (See Moseley, Pages 790 - 792).

wherein when the notification function is started thereafter, schedule “as to which no reminder has been given and” which is included in “a set of” a predetermined number of schedules “that are most recent” before a current date set in the information apparatus, is “communicated” as a reminder, The application of Outlook let viewing of recurring appointments, grouped by categories. (See Moseley, Page 791, Fig 35.9), and

schedule which is not included in “that set”, is not “communicated” as a reminder. The events are distinguished from normal appointments; the calendar show events at the top of each day. (See Moseley, Page 792).

With respect to **claims 11 and 13**:

Moseley teaches a notice method according to claim 10, wherein a stop status of a notification function is a status where an information apparatus is powered OFF, and the notification function is started when the information apparatus is powered ON. The user can add function to the message dialog box, example the delivery options the customer or user can select “does not delivery before” and when the event or appointments “expire”. (See Moseley, Page 816, Fig 37.6)

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claim 4** is rejected under 35 U.S.C. 103(a) as being unpatentable over Mastering Microsoft Office 97 (Hereinafter referred to as Moseley) in view of Special Edition Using Microsoft Outlook 2002 (Hereinafter referred to as Padwick).

With respect to **claim 4**:

A method “implemented by a computer” of controlling an information apparatus comprising:

a registration step of registering a plurality of "schedules" each having a date set, in accordance with a user's operation; and a notification step of, when a notice "scheduled" date arrives while the information apparatus is in a power-OFF status and then the power supply is powered ON, providing a notification of any "schedule" as to which no reminder has yet been given, and as to which an indicated notice time is not more than a predetermined time before the notice scheduled date, as a reminder”, “wherein”, when a notice "scheduled" date comes in the [[a]] power-OFF status and then the power supply is powered ON, “then in said notification step no notification is provided of any "schedule" whose indicated notice time is more than the predetermined time before the notice "scheduled" date”_providing a notification of a "schedule" as to which no reminder has yet been given, and as to which an indicated notice time is not more than a predetermined time before the notice "scheduled" date.

Moseley teaches “the user can specify a start date in the start combo box. When a due date is specify, the user can indicate the length of time until the due date” (See Moseley, Page 793); and the start date is usually the day that are creating the appointment, but the user can change the date and duration it if necessary. (See Moseley, Page 789).

Moseley teaches the above limitation, but does not disclose in details “which an indicated notice time is not more than a predetermined time before the notice scheduled date, as a reminder”.

However, Padwick (Special Edition Using Microsoft Outlook 2002) teaches (Fig. 9.2) Page 167, show “the appointment area or registering of schedules with the event area and date navigator”. A notice schedule is show in the Fig 10.10 Page 211 “the meeting response form shows the respondent and also contain a summary of who accepted, tentatively accepted and declined the request”; the application show the user when have the new messages or appointment and see Page 386 “send receipt messages to the inbox of user or customer”. The Fig. 9.25 Page 196, the user “can choose to be given a reminder a certain time before that task is due completion”. The chapter 9 teaches “schedule meetings at times when other people are available, similar to appointments occur on specific days at specific times”

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention to have modified the system of Moseley to have incorporated a reminder a certain time before that task is due completion as taught by Padwick, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the result of the combination were predictable.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed Luis Santiago whose telephone number is (571) 270-5391. The examiner can normally be reached Monday to Friday from 8:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boswell, Beth can be reached on (571) 272-6737. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) System. Status Information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or (571) 272-1000.

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/LS/

June 3, 2010.

/Beth V. Boswell/

Supervisory Patent Examiner, Art Unit 3623